

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of February 21, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claim Rejections – 35 USC § 112

Claims 1-26 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

More specifically, it was asserted that the limitations "when only one available seat on the commercial flight remains and two of said passengers without seats prefer to fly on the commercial flight and are equally ranked, the available seat is assigned to the one of said two passengers without seats having the higher lifetime value to the commercial airline, and when one available seat on the commercial flight remains and two of said volunteers prefer to accept said incentive and are equally ranked, the one of said two volunteers having the higher lifetime value is selected to be rebooked and receive the incentive," recited in Claims 1, 14, and 16, are not supported by the specification.

These limitations have been deleted.

Claims 1-26 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

More specifically, it was asserted that the term "likely to be" in Claims 1, 14, and 16 is a relative term which render the claim indefinite.

The word "likely" has been deleted from the claims.

It was also asserted that regarding the limitation "when one available seat on the commercial flight remains and two of said volunteers prefer to accept said incentive and

are equally ranked, the one of said two volunteers having the higher lifetime value is selected to be rebooked and receive the incentive," as recited in Claims 1, 14, and 16, it is not clear why it is necessary to accept volunteers to give up a seat when there is already an available seat.

It is noted that this limitation has been deleted as discussed above. It is also noted that the number of volunteers may exceed the number of seats necessary to correct overbooking situation (see Specification, paragraph [0003]). One of the objects of the present invention is to select passengers (from the volunteers) whoe given the re-accommodation and incentive not based on a first-come first served basis, but rather by taking into consideration the passenger data and flight operations data to optimally reduce the financial loss of the airline.

It was further asserted that Claims 1, 14, and 16 recite the conditional limitations "when only one available seat on the commercial flight remains and two of said passengers without seats prefer to fly on the commercial flight and are equally ranked, the available seat is assigned to the one of said two passengers without seats having the higher lifetime value to the commercial airline, and when one available seat on the commercial flight remains and two of said volunteers prefer to accept said incentive and are equally ranked, the one of said two volunteers having the higher lifetime value is selected to be rebooked and receive the incentive," and that it is unclear what the course of action is when the conditional clauses are not true.

It is noted that these limitation have been deleted as discussed above.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 112 be withdrawn.

Claim Rejections – 35 USC § 103

Claims 1-4, 6, 10, 12-19, 23, 25, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.*

(hereinafter Slivka) in view of Non-Patent Literature "Travellers Leave for Portugal After 24-Hour Wait for Plane," by Ingram (hereinafter Ingram), and in further view of Non-Patent Literature "Optimal Overbooking," by Arthur *et al.* (hereinafter Arthur) and Quick Stats, "NFL Tie-Breaker Procedures" (hereinafter Quick Stats). Claims 11 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka in view of Ingram, in view of Arthur, and further in view of U.S. Published Patent Application 2002/0082878 to Boies, *et al.* (hereinafter Boies).

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. However, such amendments should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 14, and 16 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for boarding passengers when seats on a commercial airline flight flown by a commercial airline are overbooked.

The method can include storing passenger data for each passenger booked on the flight; determining a number of passengers being overbooked and to be denied boarding; and determining denied boarding candidates for the flight. The candidates comprise

passengers without a seat and volunteers offering to give up their seat in exchange for an incentive. See, e.g., Specification, paragraph [0018].

The method also can include, for each determined denied boarding candidate, obtaining the corresponding passenger data including a frequent flyer status, a remaining flight ticket value, a rebooking cost, a passenger lifetime value, and customer relationship management data, and flight operations data including flight schedule and seat availability on the airline and competitor airlines; processing the passenger data and the flight operations data based on a set of rules including at least one among a rule for arranging the determined denied boarding candidates according to a descending revenue impact to the airline, a rule for arranging the determined denied boarding candidates according to passenger frequent flyer status, and a rule for arranging the determined denied boarding candidates according to a lifetime value of each passenger; and selecting passengers from the determined denied boarding candidates for boarding based on a result of the processing. See, e.g., Specification, paragraphs [0014]- [0018].

The Claims Define Over The Prior Art

Slivka deals with passenger re-accommodation due to flight cancellation. Slivka discusses how best to select which flight to cancel and how to re-accommodate those passengers. In contrast, the present invention deals with a case where a flight is overbooked (more confirmed seats sold than there are actual seats on an aircraft). During that situation, some passengers who have a confirmation and a ticket have no seat assignment. At the airport gate, that problem is resolved when no-show passengers forfeit seat assignments prior to takeoff. In the event that not enough no-show passengers, there will be a set of passengers who have confirmed reservations, but no seats. The airline will ask for volunteers and as a last resort the airline will "involuntarily" bump passengers. Often an airline is presented with more offers to volunteer than seats are needed. The airline normally processes these requests in

temporal order. The present invention describes a way to process these offers in a way that is more beneficial to the airline. Therefore, the present invention and Slivka concern two different problems and thus also provide two different solutions, one does not apply to the other.

More particularly, Slivka discloses a method for re-accommodating a disrupted passenger associated with a disrupted travel service based on a determined passenger value. The factors used for determining the passenger value include a relationship of the disrupted passenger with the travel service provider, a class of service, a frequent flier status, a fare paid status, a group travel status, an international travel status, a VIP status, a physical condition, and an age associated with the disrupted passenger (see Claim 3 of Slivka). However, Slivka does not disclose passenger data including a remaining flight ticket value, a rebooking cost, a passenger lifetime value, and customer relationship management data, as recited in independent Claims 1, 14, and 16.

The other cited references do not make up for the deficiencies of Slivka.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 14, and 16, as amended. Applicants therefore respectfully submit that amended Claims 1, 14, and 16 define over the prior art. Dependent Claims 2-13, 15, and 17-26 have been cancelled.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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